



W.P.(MD) No.17473 of 2015.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.17473 of 2015
and
M.P.(MD) No.1 of 2015**

Jayakumar

... Petitioner

/vs./

1.The Government of India,
represented by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi.

2.The District Collector,
Theni Collectorate,
Theni District.

3.The Tahsildar,
Aandipatti Taluk,
Theni District.

4.The Divisional Engineer,
National Highways,
Opposite to Anna Nagar Bus Stand,
Madurai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents or their subordinates from in any way laying any road through or constructing any structure in the lands belonging to the petitioner in Survey Nos.144/5A, 146/2, & 147/1B, Kunoor Village, Aundipatti Taluk, Theni District, without acquiring the same as provided Under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) or as provided under the National Highways Act, 1956 (Act 48 of 1956).

For Petitioner	: Mr.M.Mahaboob Athiff
For R1	: Mr.S.Jeyasingh Senior Panel Counsel for Government of India
For R2 & R3	: Mrs.D.Farjana Ghoushia Special Government Pleader

ORDER

The writ petition has been filed seeking for a Mandamus forbearing the respondents from in any way interfering with the petitioner's possession by laying a road or constructing any other structure in the petitioner's land without following due process of law as prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).



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2.The learned counsel for the petitioner would submit that pending this writ petition, the petitioner and his son had executed a gift deed in favour of the respondents for formation of the road and the construction of road work has also been completed.

3.In the light of the aforesaid facts, no further adjudication is required to be made in this writ petition. Hence, the Writ Petition is closed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
mm

03.01.2023

To

1.The District Collector,
Theni Collectorate,
Theni District.

2.The Tahsildar,
Aandipatti Taluk,
Theni District.

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